

JAN 16 2006

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FAX COVER SHEET

PLEASE DELIVER THIS FACSIMILE TO EXAMINER PHILIP J. CHEA

TO: Commissioner for Patents
Attn: Examiner Philip J. Chea
Group Art Unit 2153
Patent Examining Corps
Facsimile Center
Alexandria, VA 22313

FROM: David W. Victor

OUR REF: 0072.0043
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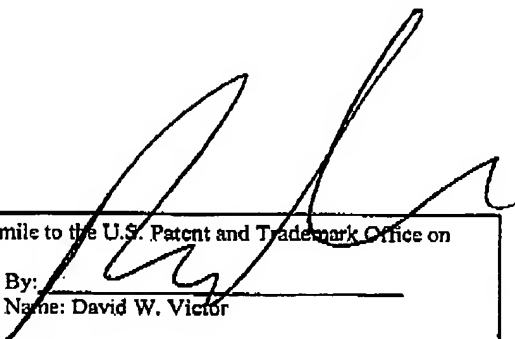
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Description of Documents Transmitted: PRE-APPEAL BRIEF REQUEST FOR
REVIEW

Applicant: M.W. Brown et al.
Serial No.: 10/042,049
Filed: January 8, 2002
Group Art Unit: 2153
Docket No.: AUS920000718US1

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January 16, 2006

By: 
Name: David W. Victor

JAN 16 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	M.W. Brown et al.	Examiner	Philip J. Chea
Serial No.	10/042,049	Group Art Unit	2153
Filed	January 8, 2002	Docket No.	AUS920000718US1
TITLE	METHOD, SYSTEM, AND PROGRAM FOR PROVIDING INFORMATION ON SCHEDULED EVENTS TO WIRELESS DEVICES		

CERTIFICATE UNDER 37 CFR 1.8: Chea

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David W. Victor

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Appeal was filed in the above case on January 13, 2006.

Applicants submit this Request for a Pre-Appeal Brief review to be considered with the
filed Notice of Appeal. The review is requested for the reasons set forth below.

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REASONS FOR REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

The Examiner rejected claims 1-20 as obvious (35 U.S.C. §103) over Blants (U.S. Patent No. 6,732,080) in view of Du (U.S. Patent No. 6,823,357). Applicants want to discuss why this rejection was erroneous and should be withdrawn.

Claims 1, 21, and 33 concern a wireless device providing provide information on a scheduled event in a personal information manager (PIM) application, wherein the wireless device performs: receiving a code associated with a promoted event sponsored by a third party entity; transmitting the received code to a server including a calendar database for the user of the transmitting wireless device including scheduled event records, wherein the server maintains an association of promoted event codes with third party entities sponsoring the promoted events; receiving from the server a scheduled event record including information on the promoted event associated with the code; and rendering calendar information at the wireless device including information on the scheduled event included in the scheduled event record.

Applicants request review and believe their were errors in the Examiner's findings and that Examiner failed to establish a prima facie rejection because the Examiner has not cited any art that discloses or teaches the claim requirement that a wireless device receives and sends a code to a server that maintains an association of codes to promoted events, and where the wireless device can render calendar information including information on the scheduled event.

The Examiner cited col. 11, lines 29-38 of Blants as teaching the claim requirement concerning receiving the code. (Final Office Action, pgs. 2-3) Applicants traverse.

The cited col. 11 discusses a calendar software program that controls the display on a mobile terminal that is maintained on a calendaring and scheduling server. Further, user selections and data are inputted to complete the obtaining of information and user services from information and user service providers. Nowhere does this cited col. 11 anywhere teach the claim requirement of a wireless device receiving a code associated with a promoted event and then transmitting the received code to a server including a calendar database for the user of the transmitting wireless device including scheduled event records. Instead, the cited col. 11 discusses how a user may input selections and data to complete obtaining information and user services.

The Examiner cited col. 8, lines 1-30 of Blants as disclosing the claim requirement of transmitting the received code to a server including a calendar database for the user of the transmitting wireless device including scheduled event records. (Final Office Action, pg. 2) The

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amended limitation further requires that the server maintains an association of promoted event codes with third party entities sponsoring the promoted events.

The cited col. 8 discusses mobile terminals having software client applications to display a personal calendar and interacts with a calendaring and scheduling service having at least one calendaring and scheduling server which maintains the calendar. The user of the mobile terminal is in communication with on-line servers and agents to facilitate the user obtaining services and information. Nowhere does the cited col. 8 disclose a wireless device transmitting a received code associated with a promoted event sponsored by a third party to the calendaring server nor that the server maintains an association of promoted event codes with third party entities sponsoring the promoted events. Instead, the cited col. 8 discusses how the user may obtain information on services and information from on-line servers.

The Examiner cited col. 12, lines 8-30 of Blants as disclosing the claim requirement of receiving from the server a scheduled event record including information on the promoted event associated with the code. (Office Action, pg. 3) Applicants traverse.

The cited col. 12 discusses the display of scheduled events dependent on the location and time stored by the software. Unscheduled events, which are displayed in the calendar, are identified for performance by dependence upon the actual scheduled location of the mobile terminal. Nowhere does this cited col. 12 anywhere disclose that the scheduled event record received from the server includes information on the promoted event associated with the code received by the wireless device and sent to the server.

The Examiner further cited col. 6, lines 4-14 and col. 7, lines 13-22 of Du to address the shortcomings of Blants. (Final Office Action, pg. 3) Applicants traverse.

The cited col. 6 of Du mentions that a calendar web server is lined to an event publisher application, where the event publisher application transfers a signal corresponding to an updated or new events page created by the event publisher. The cited col. 7 mentions that the subscriber calendar server receives the update signal and updates the subscriber calendar.

The cited cols. 6-7 discuss how an event publisher may alert a calendar service with an updated or new events page and the subscriber calendar locator may send an email notification of the event update that their calendar has been updated with the updated event page. (Du, col. 6, lines 50-60)

Although the cited Du discusses how a publisher may provide information on an updated event to a calendar web service, nowhere does the cited Du anywhere teach or suggest that a

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wireless device receives and sends a code to a server having the calendar database for the user. Instead, in the cited Du, the publisher provides the server (calendar web server) with information on an updated event. The cited Du does not teach or suggest that a wireless device transmit a received code associated with a promoted event sponsored by a third party to the calendaring server nor that the server maintains an association of promoted event codes with third party entities sponsoring the promoted events.

Applicants request review of the rejection of these independent claims based on the above arguments.

Applicants further submit that the above arguments are relevant to the patentability of independent claims 8, 23, and 30, which concern the operations with respect to the server.

With respect to independent claims 13, 27, and 45, the Examiner cited Du as teaching the claim requirement of receiving a scheduled event record from a transmitter system, wherein the wireless device is within a broadcast range of the transmitter system. The cited Du does not teach how a wireless device receives a scheduled event record from a transmitter. Instead, the cited Du discusses how an event publisher may exchange information about an event with a calendar. Further, nowhere does DU or the other reference teach how a wireless device receives a scheduled event from a transmitter and then transmits the scheduled event to a server including calendar database for the user.

With respect to independent claims 17, 29, and 39, the Examiner cited Du as teaching providing information on a scheduled event record having information on a promoted event by an event promoter.

The cited Du does not teach transmitting scheduled event records for a promoted event to wireless devices within a broadcast range of the location transmitter. Instead, the cited Du discusses how an event publisher may communicate with a calendar web server and that a user may access information about events from a events web page. Nowhere in Du is there mention of transmitting event information to wireless devices within a broadcast range as claimed.

Conclusion

For all the above reasons, Applicant submits that the rejection of pending claims 1-4, 6, 16, and 18-34 was erroneous for the reasons discussed above and request a pre-appeal brief conference to address these issues..

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The attorney of record invites the Examiner or the Review Board to contact him at (310) 553-7977 if the Review Board believes such contact would advance the prosecution of the case.

Dated: January 16, 2006

By: 

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